



STATEMENT RELATED TO RIVER METALS RECYCLING

March 9, 2020

The City of Newport is extremely aware of the resident concerns related to the occasional “explosions” that occur at River Metals Recycling from time to time.

It must be understood that the recycling center is a viable and ongoing industrial concern legitimately operating within the proper zone and its ongoing activities are monitored by various government agencies such as the EPA and OSHA.

The recycling facility has operated at its current location performing substantially the same business model for decades. The City does not have the ability to change the zoning simply to eliminate their current use and any such change would allow them to continue operation under the prior designation until abandoned.

In none of the City’s site visits have any significant violations been found. The City has also undertaken to monitor the “explosions” at the River Metals site over the years and has never found them to be in violation of any regulations, ordinance provisions or state statutes. Due to the recent number of events, with the cooperation of River Metals, the City placed monitoring equipment on the site in an attempt to detect whether or not these “explosions” resulted in any violations. This testing came at a considerable cost to the City and required interpretation from an engineer specializing in this field. Despite the fact that the monitoring equipment was closer in proximity to the site of explosions than required by our code, and despite the fact that the minimum level of vibration was set at a lower level than also required, we found no violations during the entirety of the testing time period.

It need also be noted that River Metals was previously challenged by a Newport resident in Campbell Circuit Court for alleged nuisance violations and that the action was dismissed and subsequently affirmed by the Court of the Appeals.

In sum, despite multiple governmental entities looking into potential violations by River Metals, none were found or substantiated. It is also our opinion, that any legal action taken by the City will have no legal basis and will result in significant costs.

Despite these previous determinations or outcomes, the City continues to be vigilant in closely watching the operations at River Metals and responding to the current incidents and citizen

complaints. It should also be noted that River Metals has taken steps over the last several years to reduce the “explosions” and lessen their impact. Though these measures have obviously not entirely eliminated the problem the City attempts to work with River Metals in seeking ways to curtail or eliminate the “explosions”. Every time an incident occurs a representative of River Metals is in communication with a City representative to discuss the event so that an open dialogue continues. Several potential proposals have been discussed and more will follow in the near future. As these proposals are preliminary in nature and could involve proprietary information, the City is unable to disclose them at this time. Suffice it to say, that neither River Metals nor the City are happy that these “explosions” occur and both parties are working on viable solutions.

Sincerely,

Thomas J Fromme

Thomas J Fromme
City Manager